

DOCKET # X06-UWY-CV-14-6025333-S : SUPERIOR COURT  
:  
ROBIN SHERWOOD, ET AL : J.D. OF WATERBURY  
:  
v. : COMPLEX LITIGATION DOCKET  
:  
STAMFORD HEALTH SYSTEM, ET AL : OCTOBER 7, 2016

**ETHICON, INC.'S OBJECTIONS TO  
PLAINTIFFS' FIRST INTERROGATORIES**

Pursuant to Connecticut Superior Court Rule Section 13-7, the undersigned, on behalf of Defendant Ethicon, Inc., and on behalf of its division, Ethicon Women's Health & Urology (also incorrectly named as "Gynecare") (hereinafter collectively "Ethicon") hereby files Ethicon's objections to Plaintiffs' Interrogatories dated September 7, 2016, as set forth below.

**GENERAL OBJECTIONS APPLICABLE TO  
ALL INTERROGATORIES**

1. Ethicon responds to these Interrogatories solely on behalf of Ethicon, Inc. and its division Ethicon Women's Health & Urology, and not on behalf of Johnson & Johnson.
2. Ethicon's specific objections to each Interrogatory are in addition to the objections set forth in these General Objections. The General Objections form a part of Ethicon's response to each and every Interrogatory, and are set forth here to avoid the duplication and repetition of restating them for each response. Thus, the absence of a reference to a General Objection is not to be construed as a waiver of the General Objections as to each specific Interrogatory.
3. Ethicon objects to any Interrogatory that is overly broad or unduly burdensome.
4. Ethicon objects to any Interrogatory that seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

5. Ethicon objects to any Interrogatory seeking information or material pertaining to alleged side effects or adverse events other than the injuries alleged in this lawsuit to have been sustained by Plaintiff, Robin Sherwood.

6. Ethicon objects to any Interrogatory seeking information or material pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute.

7. Ethicon objects to any Interrogatory seeking information or material pertaining to time periods that are not relevant to this case, including, but not limited to, time periods subsequent to April 21, 2006, and to any Interrogatory seeking information about labeling or regulatory proceedings outside of the United States. Ethicon's objections to such Interrogatories are based, *inter alia*, on the grounds that such information is not relevant or material to any issue in this lawsuit, nor is it reasonably calculated to lead to the discovery of information relevant or material to any issue in this lawsuit.

8. Ethicon objects to any Interrogatory that is vague, ambiguous, or confusing and, therefore, not susceptible to a clear and definitive answer. Such Interrogatories necessarily require interpretation by Ethicon. Such interpretation by Ethicon may, in some or all cases, be different from that which Plaintiffs intended. Therefore, Ethicon hereby puts Plaintiffs on notice that such interpretation has necessarily taken place in providing answers to the requests herein as a result of Plaintiffs' imprecise and ambiguous requests.

9. Ethicon objects to these Interrogatories to the extent they seek information that is not within Ethicon's possession or control, or which has been produced by other parties to this

litigation. Ethicon also objects to these Interrogatories to the extent they seek information from corporate entities other than Ethicon, including, but not limited to, Johnson & Johnson.

10. Ethicon objects to these Interrogatories to the extent they seek information that is protected from disclosure by the attorney-client privilege, the “work-product doctrine,” the self-critical analysis privilege, privacy laws, or any other applicable privileges, immunities, and/or doctrines of state law. Such information or material will be withheld.

11. To the extent that any Interrogatory seeks the disclosure of privileged information or material, Ethicon’s limited or conditioned disclosure of information or material protected by any privilege or immunity, including, but not limited to, the attorney-client privilege, the “work product doctrine,” the self-critical analysis privilege, privacy laws, or any other applicable privileges, immunities, and/or doctrines of state law is not intended to be, and shall not be construed to be, a waiver of any such privilege or protection.

12. Ethicon objects to these Interrogatories to the extent that either the Interrogatories or Ethicon’s responses to them may be construed as admissions by Ethicon that any fact or circumstance alleged in any Interrogatory occurred or existed. Moreover, the responses provided are not intended to be, and shall not be construed to be, an agreement or concurrence by Ethicon that the Plaintiffs’ characterization of any facts or circumstances is correct.

13. Ethicon objects to these Interrogatories to the extent they seek identification and/or organization of documents in any specific order or grouping.

14. Ethicon objects to these Interrogatories to the extent they purport to impose obligations beyond those required by Connecticut Superior Court Rules and any Case

Management Orders or other rulings entered in this matter, and to the extent that they seek information beyond the scope permitted by such rules and orders.

15. Ethicon objects to any Interrogatory that calls for a legal conclusion, or that purports to require Ethicon to form, read, set forth, or perform a legal analysis. Ethicon is only required to provide factual information in responding to any Interrogatory. To the extent that any Interrogatory seeks something other than factual information, Ethicon objects to such Interrogatory as improper.

16. Ethicon objects to these Interrogatories on the ground that they are overbroad by not being constrained to a reasonable time frame.

17. Ethicon objects to any Interrogatory that seeks trade secret, proprietary and/or confidential information, and the provision of any such information herein is subject to the Protective Order to be entered by the Court.

18. Ethicon's investigation is ongoing and Ethicon reserves the right to supplement all responses as information becomes available during the course of discovery, document review and investigation.

19. Ethicon reserves its right to amend or modify these answers at any time should it discover information that makes the present response incomplete or inaccurate. By reserving such right, Ethicon does not intend to assume a duty to modify or amend these responses, other than as required by Connecticut Superior Court Rules. In providing these responses and disclosing any information, Ethicon does not intend to waive any objections as to relevancy, materiality, or admissibility of evidence in this matter or any other matter or proceeding.

## **INTERROGATORIES**

- 2) Identify by name, title and address, any individual(s) who prepared or assisted in the preparation of the answers to the following interrogatories.

### **OBJECTION TO INTERROGATORY NO. 2:**

Ethicon objects to Interrogatory No. 2 on the grounds that it is overbroad, unduly burdensome and vague. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and/or the work product immunity.

- 3) State whether any written incident reports, memoranda, notes, documents, etc. of the care and/or treatment referred to in the complaint or the sequelae of your care and/or treatment, was prepared by you or by any agent, servant and/or employee of yours.

### **OBJECTION TO INTERROGATORY NO. 3:**

Ethicon objects to interrogatory No. 3 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon interprets this Interrogatory as a request for information relating to the treatment of plaintiff Robin Sherwood. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon also objects to this Interrogatory to the extent that it requests information that is protected by the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, 21 C.F.R. § 20.63 ("HIPAA"), other federal and state privacy laws, and the medical privilege laws of applicable states. Ethicon further objects to this Interrogatory on the grounds that it does not render medical care to any individuals, including plaintiff Robin Sherwood.

- 4) Have you or any agents, servants and/or employees of yours made any statements, as defined in the Connecticut Practice Book Rule Section 13-1, to any person regarding any of the pelvic mesh products, incidents, events, care and/or treatment alleged in the Complaint?

**OBJECTION TO INTERROGATORY NO. 4:**

Ethicon objects to Interrogatory No. 4 on the grounds that it is overbroad, unduly burdensome, vague, and ambiguous. Ethicon further objects to this Interrogatory to the extent that it seeks information or material pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of documents that are protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is confidential, proprietary business information and/or trade secrets. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon also objects to this Interrogatory to the extent that it requests information that is protected by HIPAA, other federal and state privacy laws, and the medical privilege laws of applicable states.

- 5) If the answer to Interrogatory No. 4 is affirmative, state:
- a) The name and address of the person or persons who made such statements and to whom such statements were made;
  - b) The date(s) on which such statement(s) were made;
  - c) The form of the statement(s) (i.e., whether written, made by recording device or recorded by a stenographer, etc.); and

- d) The name and address of each person having custody, or a copy or copies of each statement(s).

**OBJECTION TO INTERROGATORY NO. 5:**

Ethicon refers to its Objection to Interrogatory No. 4.

- 6) If, at the time of the incidents, events, care and/or treatment alleged in the Complaint, you were covered by an insurance policy under which an insurer may be liable to satisfy part or all of a judgment or reimburse you for payments to satisfy part or all of a judgment, state the following:
  - a) The name(s) and address(es) of the insured(s);
  - b) The amount of coverage under each insurance policy; and
  - c) The name(s) and address(es) of said insurer(s).

**OBJECTION TO INTERROGATORY NO. 6:**

Ethicon objects to Interrogatory No. 6 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous.

- 7) If, at the time of the incidents, events, care and/or treatment, which is the subject of this lawsuit, you were protected against the type of risk which is the subject of this lawsuit by excess umbrella insurance, or any other insurance, state:
  - a) The name(s) and address(es) of the named insured(s);
  - b) The amount of coverage effective at this time; and
  - c) The name(s) and address(es) of said insurer(s).

**OBJECTION TO INTERROGATORY NO. 7:**

Ethicon refers to its Objection to Interrogatory No. 6.

- 8) State whether any insurer(s), as described in Interrogatories 6 and 7 above, has provided you with a disclaimer letter or reserved its duty to indemnify any claims or insured(s) or any other person(s) protected by said policy.

**OBJECTION TO INTERROGATORY NO. 8:**

Ethicon refers to its Objection to Interrogatory No. 6.

- 9) State the names and addresses of all experts who you intend to call as an expert witness at trial.

**OBJECTION TO INTERROGATORY NO. 9:**

Ethicon objects to Interrogatory No. 9 on the grounds that it is overbroad and unduly burdensome. Ethicon also objects to this Interrogatory as premature. Defendant has not yet decided which experts will be utilized in this matter.

- 10) For each witness identified in response to the prior Interrogatory, please, state:
- a) The subject matter on which each expert is expected to testify;
  - b) The substance of the facts and opinions to which each expert witness is expected to testify; and
  - c) A summary of the grounds for each opinion of each expert witness expected to testify.

**OBJECTION TO INTERROGATORY NO. 10:**

Ethicon refers to its Objection to Interrogatory No. 9

- 11) Please provide the name(s) address(es) and title(s) of each agent(s), servant(s) and/or employee(s) of yours who participated in the manufacture and/or sale of any pelvic mesh products implanted into the plaintiff and identify the date(s) that each individual participated in said manufacture. (Please do not answer by making reference to the medical and/or hospital records).

**OBJECTION TO INTERROGATORY NO. 11:**

Ethicon objects to Interrogatory No. 11 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory on the grounds that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of documents that are protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is confidential, proprietary business information and/or trade secrets.

- 12) Please provide the name(s) address(es) and title(s) of each agent(s), servant(s) and/or employee(s) of yours who participated in the post-market surveillance, if applicable, of any pelvic mesh products implanted into the plaintiff and identify the date(s) that each individual participated in said post-market surveillance. (Please do not answer by making reference to the medical and/or hospital records).

**OBJECTION TO INTERROGATORY NO. 12:**

Ethicon refers to its Objection to Interrogatory No. 4.

- 13) Please provide the name(s) address(es) and title(s) of each agent(s), servant(s) and/or employee(s) of yours who participated in the data collection of adverse events regarding any pelvic mesh products implanted into the plaintiff and identify the date(s) that each individual participated in said data collection.

**OBJECTION TO INTERROGATORY NO. 13:**

Ethicon refers to its Objection to Interrogatory No. 4.

- 14) Please state when Ethicon first became aware of, (as defined in 21 C.F.R. § 803.3 to mean “that an employee of the entity required to report has acquired information that reasonably suggests a reportable adverse event has occurred”), the adverse events involving its pelvic mesh products.

**OBJECTION TO INTERROGATORY NO. 14:**

Ethicon refers to its Objection to Interrogatory No. 4.

- 15) If you have ever been a Defendant in a product liability suit involving pelvic mesh products other than the present one, please state:
- a) the case by name;
  - b) the court in which the case is or was pending;
  - c) the docket number;
  - d) the substance of the allegations against you; and
  - e) the outcome of the case(s).

**OBJECTION TO INTERROGATORY NO. 15:**

Ethicon objects to Interrogatory No. 15 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous, argumentative, and calls for legal conclusions and/or speculation. Ethicon further objects to this Interrogatory on the grounds that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon also objects to this Interrogatory on the grounds that it assumes facts neither in evidence nor admitted. Ethicon denies any allegations contained in this Interrogatory. Ethicon objects to this Interrogatory on the grounds that it seeks, in part, information which is publicly available and therefore equally accessible to Plaintiffs as it is to Defendant. Ethicon further objects to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon also objects to this Interrogatory to the extent that it requests information that is protected by HIPAA, other federal and state privacy laws, and the medical privilege laws of applicable states.

- 16) Please state whether you, your agents, servants and/or employees at any time communicated with Plaintiff.

**OBJECTION TO INTERROGATORY NO. 16:**

Ethicon objects to Interrogatory No. 16 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of documents that are protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is confidential, proprietary business information and/or trade secrets. Ethicon also objects to this Interrogatory to the extent that it requests information that is protected by HIPAA, other federal and state privacy laws, and the medical privilege laws of applicable states.

- 17) If your answer to the preceding Interrogatory is in the affirmative, please state the date and reasons thereof.

**OBJECTION TO INTERROGATORY NO. 17:**

Ethicon refers to its Objection to Interrogatory No. 16.

- 18) Did you, your agents, servants and/or employees render medical service to or for the benefit of Plaintiff?

**OBJECTION TO INTERROGATORY NO. 18:**

Ethicon objects to Interrogatory No. 18 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory on the ground that it seeks the production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon further objects to this

Interrogatory on the grounds that it does not render medical services to any individuals, including plaintiff Robin Sherwood.

- 19) If your answer to the preceding Interrogatory is in the affirmative, please state:
- a) the date and time of day of the rendering;
  - b) indicate the nature and scope of the services that you rendered;
  - c) state your reason for believing that a personal visit was not necessary; and
  - d) state whether and in what form any records were kept by you or on your behalf regarding any such telephone conversation.

**OBJECTION TO INTERROGATORY NO. 19:**

Ethicon refers to its Objection to Interrogatory No. 18.

- 22) Please state how many pelvic mesh products that you have manufactured and sold have resulted in any adverse reaction(s) to the person(s) in whom the pelvic mesh product(s) was implanted.

**OBJECTION TO INTERROGATORY NO. 22:**

Ethicon objects to Interrogatory No. 22 as overbroad, unduly burdensome, vague, ambiguous, argumentative, calling for legal conclusions and/or speculation. Ethicon further objects to this Interrogatory on the grounds that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon objects to this Interrogatory on the grounds that it assumes facts neither in evidence nor admitted. Defendant denies any allegations contained in this Interrogatory. Ethicon objects to this Interrogatory on the grounds that it seeks, in part, information which is publicly available and therefore equally accessible to Plaintiffs as it is to Defendant. Ethicon further objects to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon also objects to

this Interrogatory to the extent that it requests information that is protected by HIPAA, other federal and state privacy laws, and the medical privilege laws of applicable states.

23) If the answer to the Interrogatory No. 22 is in the affirmative, please state without revealing personally identifiable information in violation of the Health Insurance Portability and Accountability Act (“HIPAA”):

- a) the date of said adverse reaction;
- b) the nature of said adverse reaction;
- c) whether the adverse reaction was reported to the Food and Drug Administration (“FDA”);
- d) the date on which the adverse reaction was reported to the FDA;

**OBJECTION TO INTERROGATORY NO. 23:**

Ethicon refers to its Objection to Interrogatory No. 22.

24) Please state which products manufactured by you were implanted into the plaintiff.

**OBJECTION TO INTERROGATORY NO. 24:**

Ethicon objects to Interrogatory No. 24 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory on the ground that it seeks the production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

25) Please state in what way Ethicon monitors and/or receives FDA alert information related to pelvic mesh products.

**OBJECTION TO INTERROGATORY NO. 25:**

Ethicon objects to Interrogatory No. 25 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this interrogatory on the grounds that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory on the ground that it seeks the production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of documents that are protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is confidential, proprietary business information and/or trade secrets.

- 26) Please state whether an adverse event file(s) was established and maintained regarding pelvic mesh products.

**OBJECTION TO INTERROGATORY NO. 26:**

Ethicon refers to its Objection to Interrogatory No. 4.

- 27) Please state whether any follow up on pelvic mesh products was performed and the results thereof submitted to the FDA.

**OBJECTION TO INTERROGATORY NO. 27:**

Ethicon objects to Interrogatory No. 27 as overbroad, unduly burdensome, vague, ambiguous, argumentative, calling for legal conclusions and/or speculation. Ethicon further objects to this Interrogatory on the grounds that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute, Ethicon interprets this Interrogatory as a request for information relating to the regulatory process. Ethicon objects to this Interrogatory on the grounds that it assumes facts neither in

evidence nor admitted. Defendant denies any allegations contained in this Interrogatory. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of documents that are protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is confidential, proprietary business information and/or trade secrets. Ethicon further objects to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ethicon also objects to this Interrogatory to the extent that it requests information that is protected by HIPAA, other federal and state privacy laws, and the medical privilege laws of applicable states.

28) Please state the expected life of the pelvic mesh products that were manufactured by you and implanted into the plaintiff.

**OBJECTION TO INTERROGATORY NO. 28:**

Ethicon objects to Interrogatory No. 28 on the grounds that it is overbroad, unduly burdensome, vague and ambiguous. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of documents that are protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks the production of information that is confidential, proprietary business information and/or trade secrets. Ethicon further objects to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

- 29) Please state if you have ever been required to submit a five-day report, as defined in 21 C.F.R § 803.3 as “a medical device report that must be submitted by a manufacturer to [the FDA] under § 803.53, on FDA Form 3500A or an electronic equivalent approved under § 803.14, within 5 work days,” to the FDA regarding the pelvic mesh products that you manufacture or have manufactured in the last ten (10) years.

**OBJECTION TO INTERROGATORY NO. 29:**

Ethicon objects to Interrogatory No. 29 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous, argumentative, and calls for legal conclusions and/or speculation. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon objects to this Interrogatory on the grounds that it assumes facts neither in evidence nor admitted. Defendant denies any allegations contained in this Interrogatory. Ethicon objects to this Interrogatory on the grounds that it seeks, in part, information which is publicly available and therefore equally accessible to Plaintiffs as it is to Defendant. Ethicon further objects to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

- 30) Please state whether any information regarding implanting pelvic mesh products into patients, regarding the risks, benefits and/or potential complications, the likelihood of each complication occurring, complication rates, FDA warnings or any other information related to pelvic mesh products was provided in writing by you to the plaintiff.

**OBJECTION TO INTERROGATORY NO. 30:**

Ethicon objects to Interrogatory No. 30 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this

Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is confidential, proprietary business information and/or trade secrets.

- 31) Please state whether Ethicon was paid by anyone for the pelvic mesh products that were implanted into the plaintiff.

**OBJECTION TO INTERROGATORY NO. 31:**

Ethicon objects to Interrogatory No. 31 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is confidential, proprietary business information and/or trade secrets.

- 32) If the answer to the preceding question is “yes” please state the amount that Ethicon was paid.

**OBJECTION TO INTERROGATORY NO. 32:**

Ethicon refers to its Objection to Interrogatory No. 31.

- 33) Please state whether Ethicon sought to obtain reimbursement from a third party or the plaintiff for the cost of the pelvic mesh products that were implanted into the plaintiff.

**OBJECTION TO INTERROGATORY NO. 33:**

Ethicon objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory to

the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is confidential, proprietary business information and/or trade secrets.

- 34) Describe the relationship between Ethicon and Brian J. Hines, M.D. regarding Dr. Hines' Consultant and Surgical Instruction work, including but not limited to:
- a) how long Dr. Hines has been a Consultant;
  - b) if and when that relationship terminated;
  - c) the reason that the relationship terminated;
  - d) how long Dr. Hines has been a Surgical Instructor;
  - e) if and when that relationship terminated;
  - f) the reason that the relationship terminated;
  - g) what Dr. Hines received in compensation for his services.

**OBJECTION TO INTERROGATORY NO. 34:**

Ethicon objects to Interrogatory No. 34 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the

grounds that it seeks information that is confidential, proprietary business information and/or trade secrets.

- 35) Please state the FDA classification of the pelvic mesh products when they were implanted into Plaintiff.

**OBJECTION TO INTERROGATORY NO. 35:**

Ethicon objects to Interrogatory No. 35 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous, and confusing. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon objects to this Interrogatory on the grounds that it seeks, in part, information which is publicly available and therefore equally accessible to Plaintiffs as it is to Defendant.

- 36) Please state whether the FDA issued Ethicon a tracking order pursuant to 21 C.F.R §821.1(a), for the pelvic mesh products as a device “intended to be implanted in the human body for more than 1 year” and 21 C.F.R §821.20(a), which states that “[a] manufacturer of any class II or class III device that fits within one of the three criteria within § 821.1(a) must track that device in accordance with this part, if FDA issues a tracking order to that manufacturer.”

**OBJECTION TO INTERROGATORY NO. 36:**

Ethicon objects to Interrogatory No. 36 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous, and confusing. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon objects to this Interrogatory on the grounds that it seeks, in part, information which is publicly available and therefore equally accessible to Plaintiffs as it is to Defendant.

- 37) Please identify each and every specific product which was manufactured by Ethicon and used in the operative procedure performed on the Plaintiff on or about April 12, 2006, specifically including any pubovaginal sling or mesh product, including the brand name

of any such product as well as any and all identifying numbers or characters such as model numbers, serial numbers, lot numbers, and/or SKU numbers.

**OBJECTION TO INTERROGATORY NO. 37:**

Ethicon objects to Interrogatory No. 37 on the grounds that it is overbroad, unduly burdensome, vague, ambiguous and confusing. Ethicon further objects to this Interrogatory to the extent that it seeks information pertaining to any product that is not the subject of this lawsuit and/or that Ethicon did not manufacture or distribute. Ethicon further objects to this Interrogatory as argumentative, calling for legal conclusions and/or speculation. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and/or work product immunity. Ethicon further objects to this Interrogatory on the grounds that it seeks information that is confidential, proprietary business information and/or trade secrets.

38) As to each product identified above, please identify who said product was sold to, the date in which it was sold and the price paid for the same.

**OBJECTION TO INTERROGATORY NO. 38**

Ethicon refers to its Objection to Interrogatory No. 37.

Respectfully submitted,

THIRD PARTY DEFENDANT,  
ETHICON, INC.

By /s/ Christopher R. Drury  
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Christopher R. Drury  
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Their Attorneys

### CERTIFICATION OF SERVICE

The undersigned hereby certifies that on October 7, 2016, a copy of the foregoing Ethicon, Inc.'s Objections to Plaintiffs' First Interrogatories was sent via email to the following counsel of record:

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